App. F. IX-4

1954-55 (GTB)

File No. 13-54-

Previous References.

GTB.2-53-59, 60, 61, 62
mil.172-45-61, 62, 79

Serial Nos. 61, 62, 79

Later References.

MYSORE GOVERNMENT SECRETARIAT

Serial Nos. Three

P.19

Part B for January 1955.

SUBJECT

Payment of Compensation in respect of Requisition of 4 guntas of dry land in S.No. 2/5 of Kethamaranahalli required for completion of 80' Railway Parallel Road in Industrial Suburb.

WD 06701—GPB—25,000—11-8-54

To,

The Chairman, C.I.T.B, Bangalore

L.12865/ Dated 20.1.55.

Conveys the approval.

Dy. Ramakrishnaiah
19/2/55

Mysore Government Secretariat | File No. (1) 4457 M of 195 . [App. F. III 2

Serial No.

Letter No. A2 P.R. 408/54-55 dt 20/9/54 from the chairman, B.T.B. regarding payment of interest in respect of land acquired in S. No. 2/5 of Kethamaranahalli.

flag M. (Page 14 of the collection file.)

1) Submitted with the collection leading to the issue of Govt No. L 16500-4/S.T.B. 2-53-60 dt 12-3-54 according sanction to the acquisition of 4 guntas of land in the said village. As per orders in above

collection flagged M.

paras 9, 12 and 13 of the notes of the collection file, it was ordered that no interest need be paid. But the chairman now says that the land was entered upon and taken possession of as long back as 1946 in connection with the formation of Industrial Suburb and that payment of interest to the party cannot be denied. He further says that payment of interest is justifiable since the party lost all proceeds from the land and denial of interest is also Law to be maintained, if the case is referred to a court of Law.

2) As payment of interest appears to be inevitable, the proposal to pay interest on the compensation amount

Note.—Contn. Sheet

(2)

payment of interest in connection with acquisition of land in Veeranarasamma halli

File No. 4457 rt of 195

Mysore Government Secretariat

Serial No.

from 25-12-46 to the date of payment of compensation may perhaps be allowed. This appears to be one of many cases in which the T.D. has erred and resulting in huge amount being paid as interest. For others. (Compensation amount is Rs 3801-9-0 + interest amounts to 1198-7-0 as reported in January 54 - it will be more now.)

Vide page 4 of the collection flg H.

26/9/1955
29/9

3) There is no need to penalise the Bg for the folly of the officers concerned. The land should have been taken possession only after the notification sanctioning acqn was issued. In many cases, possession should be taken only after award amount is paid to the Party. Merely because some indiscriminate act is done by the executive officers, it is not correct to make the Bg pay the interest. In fact, this is a case in which explanation of the officers concerned have to be called for for taking possession of land without even an acquisition order from Govt. This is one of the cases to show that the Bg officials have not cared to see rules and regulations in taking

Payment of interest in connection with acqn of land in Kethamaranahalli

[App. F. III-2

Mysore Government Secretariat

(3) File No. 445/Mc of 195

WD 03547—GPB—40,000—14-8-53

Serial No.

Private Properties. I think it will be very incorrect to pay interest to the part from TB funds from a date on which there was no sanction of competent authority to take possession of the Property There was no such urgency also Therefore the orders passed may stand. The part may proceed against the officers or officials concerned who took possession of their land.

11/10

Secy (Dept)

4) I agree The land should not have been taken possession of till it was notified for acquisition. I can appreciate that in some cases it may be necessary to take possession of the lands even before acquisition. But in such cases the property should be notified for acquisition immediately thereafter. There has been a delay of nearly Six Years in the present case, and surely the Board cannot be made to pay interest for the fault of some of its officers. An enquiry will have to be held to fix the responsibility for the mistake Committed

NOTE—Contn. Sheet.

payment of interest in connection with the acqn of land in Kelta Ramanahalli

File No. Ho&St/mc (4) of 195 .

Mysore Government Secretariat

Serial No.

so that suitable action may be taken against them

GV. 7/8/54

4/x

Chief Secy

Minister / Thro / Secy

FINANCIAL SECRETARY GOVT. OF MYSORE
5 OCT 1954
U. O. No. 7602 F.

SECRETARIAT L.S.G. DEPTT. 11 OCT 19

5) 4/x
7/10
for Fin: Secy

4/11/x
12/10

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL-SELF GOVERNMENT.
18 OCT 195
No. 3076

6) 27/10/54

28/x
28/10

7) In the light of the above orders, the point for orders is whether the ~~Secretary~~ Chairman of the Board may be requested to hold an enquiry, call for the explanation of the concerned officers and send a final report within a month.

SECRETARIAT L.S.G. DEPTT. 13 NOV 1954 5695

Mr 2/11 3/11 8) Draft a letter to the Spl Officer for appearing before Audit

7/11

9) Draft letter is submitted for appl

Mr 11/11 12/11 Secy (Dev)

10) For perusal and necessary

Clk-Hr) 16/11/54 (El. Officer) 16/11

CHIEF ENGR. 17 NOV 1954 10580 DEPT. OF MYSORE

4451/MC (5)

Payment of interest in connection with the acqn. of land in Kelta Maravakkam

---

569

L.S.C-tem) 11) 22/11/54

12) Issue today

22/11

To,

The special officer,
Efficiency Audit
L 13 24 & 22-11-54

Requests him to hold an enquiry and send a report

Encls A/No.

Reminder No. A2. R. 405/54-5 & 6 12/54 from the Chairman, B.T.B.

Letter No. E. A. 730/54-55 & 7 12/54 from the special officer, Efficiency Audit.

Page 7

13) The report dt 7-12-54 of the special officer, Efficiency Audit is submitted for perusal. In reasons states, he suggests that in view of the small amount involved viz Rs 78-8-0, which has to be paid by way of interest it may perhaps suffice if the concerned are made to under

1457 (6) payment of compensation in respect of land in S. No 2/5 of Kethiawaranahallo

6483 6566.

that government would view such delays and omissions seriously and hold them responsible for any loss occasioned to the Board thereby, in future. The point for orders is whether the suggestion of the Spl officer may be accepted and instructions issued accordingly and the proposal to pay interest as made in the Chairman's letter of 20/9/54 approved. For orders with reference to paras 4, 5 and 6 of the notes. } A page 1

Mr 16/12 19/12

Rs 5,000 may be appd.

Secy 20/12

Addl Secy

23.12.54

Minister (Rev)

Secy 21/12/54

P. 3.1.55

Draft letter is put up.

Mr 8/1

Issued 15/1

To The Ch. B. T. B.

L 12865/9 T.B. 13-54-79 dt 20-1-55

B Mr. Conveys approval

GOVERNMENT OF MYSORE 1902

GOVERNMENT OF MYSORE 29 DEC 1954 No 5043

GOVERNMENT OF MYSORE 3 JAN 1955

C. F. No. 63]

Tele gram / phone

No. H2 PR 408/54-5
Encls.

GOVERNMENT OF MYSORE

OFFICE OF

The Chairman, City Improvement Trust Board, Bangalore.

Date 15th September 1954.

To

The Secretary to Government,
Local Self Government and Planning Departments,
Bangalore.

Sir,

Subject:- Acquisition of 4 guntas of dry land in S.No.2/5 of Kethamaranahalli required for completion of 80' Railway Parallel Road in Industrial Suburb.

Adverting to Government Order No.L.16500-4/I.T.B.2-53-60 dated 12-3-54 according sanction to the acquisition of 4 guntas of land in S.No.2/5 of Kethamaranahalli and directing that no interest need be paid as sanction is accorded to acquire the property now, I write to state that it is reported by the Special Land Acquisition Officer of the Board that the plot of land referred to above was entered upon on 25-12-46 along with other properties notified for acquisition in Government Order No.L. - - 11364/Ml.172-45-8 dated 15-4-46 and taken possession of, for formation of Industrial Suburb Housing Area and 80' Chord Railway road was laid on it. The owner of the land Smt. Kamakka complained through a petition dated 3-8-49 that she did not receive a notice of acquisition andher land had been omitted in the notification dated 15-4-46. Thereupon the question was examined and necessary action was taken to acquire the land and the same had received sanction as per the Government Order under advertance. The claimant has in her claim statement in respect of the land under reference claimed compensation of Rs.2,000/- per acre together with Statutory Allowance and interest thereof.

In view of the fact that the land had been entered upon much prior to the actual acquisition the Party's request in claiming interest on the compensation cannot be denied on the ground

P.T.O.

that the land is notified for adquisition only now. Payment of interest on the compensation is also justifiable since the Party has lost all proceeds from the land which she could have got had it been in her - - possession and denial of payment of interest is also hard to be maintained if the case is referred to a Court of Law. The amount of interest involved will be a small sum.

In the circumstances stated above, I request that approval of Government to the payment of interest on the compensation amount from 25-12-46 to the date of payment of ~~compen~~ compensation amount to Party may - - kindly be obtained and communicated early.

Yours faithfully,

(R. Madhavan)
Chairman.

Ksr.

Copies
22/12/52

M. G. S. App. F. G. 3]

MYSORE GOVERNMENT

SECRETARIAT.

2 cys

(Continuation sheet draft form).

Subject:- (3) Payment of compensation in respect of land in S. No. 2/5 of Kethamaranahalli

To, GB. 13. Dt. 62.

The Special Officer,

Efficiency Unit

Sir,

In forwarding herewith a copy of letter No. Ag. P.R. 408/52-5 & 20-8-54 received from the Chairman, C.S.T.B, Bangalore, on the above subject, I am directed to state as follows:-

T.S. a copy please

The land should not have been taken possession of till it was notified for acquisition. In some cases it may be necessary to take possession of the lands even before acquisition. But in such cases the proposals for acquisition should be notified immediately thereafter. There has been a delay of nearly six years in this case, and the Board

WD 04860—GPB—40,000—22-1-54

(5)

L 10324/E, GTB. 13.54.62

(Municipal Branch)
22.11.57

The
L.S.G. & Planning Departments.

To

The Special Officer,
Efficiency Audit,
Bangalore.

Sir,

Subject: Payment of compensation in respect of land in survey No.2/5 of Kethamaranahalli.

In forwarding herewith a copy of letter No.A2.P.R.408/54-55 dated 20-9-54 received from the Chairman, City Improvement Trust Board, Bangalore, on the above subject, I am directed to state as follows:-

The land should not have been taken possession of till it was notified for acquisition. In some cases it may be necessary to take possession of the lands even before the acquisition. But in such cases the property should be notified for acquisition immediately/ thereafter. There has been a delay of nearly six years in this case, and the Board cannot be made to pay interest for the fault of some of its officers.

In these circumstances, I am to request you to kindly hold an enquiry to fix the responsibility for the mistake committed so that suitable action may be taken against them.

This may kindly be treated as immediate and a report sent as soon as possible.

Yours faithfully,

22/11

(V.Hanumanthappa)
for Secretary to Government,
L.S.G. & Planning Departments.

knr-2/22.11

(4)

cannot be made to pay interest for the fault of some of its officers.

In these circumstances, I am to request you kindly to hold an enquiry to fix the responsibility for the mistake committed so that suitable action may be taken against them.

This may kindly be treated as immediate & a report sent as soon as possible

Secy Dept i/c

C.M.
12/11

C. F. No. 46]

GOVERNMENT OF MYSORE

No.
Encls.

OFFICE OF the Chairman, City Improvement Trust Board, Bangalore,

Date 4th December 1954.

To

The Secretary to Government,
Local Self-Government & Planning Departments,
BANGALORE.

Sir,

Sub:- Acquisition of 4 guntas of dry land in S.No.2/5 of Kethamaranahalli required for completion of 80' Railway Parallel road in Industrial Suburb.

I write to invite kind reference to this Office letter of even number dated 20-9-1954 on the above subject and request that sanction of Government may kindly be obtained ~~sanction~~ and communicated early.

Yours faithfully,

(D.R.Chennarudraiya)
Chairman.

jk)

113/B (7) 6566/M

C. F. No. 45] GOVERNMENT OF MYSORE

Telegram / phone

No. / Encls. C.A.730/14.5

Special Officer, Efficiency Audit,
Bangalore.

Date 7th December 1954.

To

The Secretary to the Government of Mysore,
L.S.G. and Planning Departments, BANGALORE.

Sir,

SUBJECT:- Payment of compensation in respect of land in survey No.2/5 of Kethamaranahalli.

With reference to your letter No.L.10324/ITB, 13-54-62, dated 22nd November 1954. requesting me to hold an enquiry and to fix the responsibility for the omission of the Survey Number in question in the preliminary notification and the consequent delay in taking acquisition proceedings in respect of this land resulting in the Board's liability to pay interest on the compensation amount, I write to state that the relevant records were examined at the Office of the Special Land Acquisition Officer, City Improvement Trust Board, Bangalore, and the facts gathered are as indicated below.

The original notification for acquisition of lands in Ketnamarananalli and other villages of Yeswantpur Hobli for the Industrial Suburb was under Section 17(4) of the Land Acquisition Act and it was published on 18-4-1946 in No.L.11364/M1.172-45-8. The City Improvement Trust Board entered upon these lands on 25-12-1946. It is stated that the list of survey numbers to be acquired was prepared by a special Revenue Survey Party. This list is available in the Special Land Acquisition Officer's Office and appears to have been prepared some time in December 1945. It does not include S.No.2/5.

Vide declaration statements enclosed with G.O. No.L.11357-63 Fct 172-45-7 dt. 18-6-46 (Pg V)

It was only on 4-8-1949 when the petition dated 3-8-1949 of Srimathi Kamakka was received by the Special Land Acquisition Officer, that the omission of the survey number in question from the original notification appears to have come to light. The petition was referred the same day to the Special Revenue Inspector (Sri M.S. Rao) attached to the Special Land Acquisition Officer's Office for report with sketch. The Special Revenue Inspector, after

(8)

after a delay of 3½ months, submitted his report on 18-11-1949 with a sketch showing a portion of S.No.2/5 occupied by the 80 feet parallel road. The paper was thereafter referred to the Engineering Section of the City Improvement Trust Board and the reply of the Engineer Officer was received on 15-3-1950, stating that acquisition of this land was necessary. At the meeting of the Board held on 27-3-1950, it was resolved that the proposal for the acquisition of this land (S.No.2/5) and also a portion of the Gramatana or Juganana be approved. In his letter No.406-7/50-51, dated 26-4-1950, the Chairman, City Improvement Trust Board, requested the Special Land Acquisition Officer to take further action to acquire the land in question. What action the Special Land Acquisition Officer took in the matter thereafter cannot be made out. However, from the available records it is seen that, on receipt of letter No.L.11103 dated 4-12-1953 of the Assistant Secretary to Government, Local Self Government and Planning Departments, calling for certain particulars about the lands in question, the Chairman, City Improvement Trust Board, requested the Special Land Acquisition Officer for a report on 8-12-1953. The Special Land Acquisition Officer furnished the particulars on 6-1-1954. Government sanctioned the acquisition in Government Order No.L.16500-4/ITB.2-53-61 dated 12-3-1954 and notification under Section 17(4) of the Land Acquisition Act was published the same day in No.16505/ITB 2-53-61. The Government, while sanctioning the cost of acquisition at Rs.3801-9-0 inclusive of S.A. at 15% , specifically stated that no interest need be paid as sanctionee is accorded to acquire the property only now.

Later, the Special Land Acquisition Officer issued notices under Sections 9 and 10 of the Land Acquisition Act on 29-4-1954, for award enquiry. Srimathi Kamakka put in her claim on 12-7-1954, claiming compensation at Rs.2.000/- per acre, with interest for 8 years from date of taking possession viz., 25-12-1946. Award has not been passed as yet by the Special Land Acquisition Officer. He has, however, written to the Chairman, City Improvement Trust Board, on 13-8-1954 to say that, owing to a mistake committed by the Special

Officer...

Revenue Survey Party who prepared the list of survey numbers for acquisition for the Industrial Suburb, S.No.2/5 was omitted from the list. that the notification dated 18-4-46 under Section 17(4) of the Land Acquisition Act was based on this list, that the land in question was taken possession of along with other lands on 25-12-46, that 0-4 guntas out of S.No.2/5 of Kethamaranahalli was utilised for laying the 80 feet Chord Railway Road. that since the land was taken possession of much prior to the actual acquisition, the owner of the land was justified in claiming interest on the compensation amount from the date of entry by the City Improvement Trust Board, viz., 25-12-46. that denial to pay interest, as enjoined in the Government Order, might not be maintainable in the Court of reference later and that the interest works out to only Rs.78-8-0 and that if interest was to be allowed, the necessity to address Government to modify the Government Order dated 12-3-54 might be considered. The Chairman, City Improvement Trust Board, accordingly addressed the Secretary to Government, Local Self Government and Planning Departments, on 20-9-1954, requesting sanction to payment of interest from the date of taking possession (25-12-1946) to the date of payment of compensation, in the circumstances reported by the Special Land Acquisition Officer.

It is with reference to this letter of the Chairman that this office has been asked in the letter under advertence to fix responsibility on the officers concerned in regard to the interest to be paid to the party.

There appears to have been considerable delay after the Board meeting on 27-3-1950 at which approval was accorded to acquire the land in question. How and where this delay occurred and what action, if any, was taken between 27-4-1950, on which day the Chairman conveyed the approval of the Board to the Special Land Acquisition Officer for taking further action, until 6-1-1954, on which date the Special Land Anquisition Officer furnished details called for by the Secretary to Government, Local Self Government and Planning Departments in his letter dated 4-12-1953 to the Chairman,

City....

City Improvement Trust Board. is not clear. However, the delay has occurred and since emergent action was not taken soon after the receipt of the petition of Srimathi Kamakka on 4-8-1949, and even thereafter, payment of interest for 4 years amounting to roughly Rs.40/- has been occasioned to the Board

In this connection, it has to be stated that even if this survey number had not been omitted from the original notification published on 18-4-1946, the party would not have obtained her compensation amount earlier than September 1948, as was done in other case

Justice requires that the party should not be made to forego interest for no fault of hers and interest has to be paid as has been done in respect of the other lands acquired for the Industrial Suburb.

The mistake, as has already been stated heretofore, was committed at the very commencement and is attributable to the Special Revenue Survey Party who prepared the list of lands to be acquired. Even subsequent to its detection on receipt of Srimathi Kamakka's petition, dated 3-8-1949, matters could have been hastened and acquisition proceedings completed on top priority basis to obviate payment of interest. This, unfortunately, does not appear to have been done.

However, in view of the small amount involved, viz., Rs.78-8-0 which has to be paid by way of interest, it may perhaps suffice if those concerned are made to understand that Government would view such delays and omissions seriously and hold them responsible for any loss occasioned to the Board thereby, in future.

Yours faithfully,

K.R. Ramanathaiya

(K.R. Ramanathaiya)
SPECIAL OFFICER

M. G. S. App. F. G. 3]

MYSORE GOVERNMENT

SECRETARIAT.

(*Continuation sheet draft form*)

L12865 — 80 WH 16500-4/S.T.B. 2-53-60 & $\frac{15}{20}$-9-54 — 1-55

Re:— Payment of compensation in respect of land in S No. 2/5 of Kethamaranahalli.

-do, ITB 13 SH-19

The Chairman, CDT.

B, Bangalore.

Sir,

With reference to ~~correspondence ending with~~ your letter No A2 P.R. 408/54-5 & $\frac{15}{20}$ - 9-54 on the above subject, I am directed to convey approval to the proposal to pay the interest involved in this account with the following observations

Page 1

The ~~off~~ concerned officers and the ~~of~~ officials who are responsible for the omission to include the S. No in question when the lands were notified for acquisition, and for having ~~used the land~~ entered upon the land before it was notified

WD 04860—GPB—40,000—22-1-54

(14)

and ~~for being~~ further delays to acquire ~~the land~~ it in time

~~should be made to understand~~

~~that govt would view such delays~~

~~and missions seriously and~~

~~hold them responsible for any~~

~~loss occasioned to the Govt~~

~~thereby, in future.~~

-4-7-

~~M~~ 5/1

Asst Secy

KS
18/1/55

(13)

L. 12865/57B13-54-29 Municipal Department
20 January 55

The Asst.
Education & L.S.G. Departments

The Chairman,
City Improvement Trust Board,
Bangalore

Sir,

Subject:- Payment of compensation in respect of land in S.No.2/5 of Kethamaranahalli -
G.O.No.L.16500-4/I.T.B.2-53-60 dated 15/20-9-54.

With reference to your letter No.A2.P.R.408/54-5 dated 15/20-9-1954 on the above subject, I am directed to convey approval to the proposal to pay the interest involved on this account with the following observations.

The concerned officers and the officials who are responsible for the omission to include the survey number in question when other lands were notified for acquisition and for having entered upon the land before it was notified and further delayed to acquire it in time, should be made to understand that Government would view such delays and omissions - seriously and hold them responsible for any loss occasioned to the Board thereby, in future.

Yours faithfully,

(V. Hanumanthappa)
Asst. Secretary to Government,
Education & L.S.G. Departments.

LNS.2.18/1.